

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Mayo Pharmacy, Inc., a North Dakota
corporation,

Plaintiff,

vs.

Xavier Becerra, in his official capacity as
Secretary of Health and Human Services;
United States Department of Health and
Human Services; United States Department of
Health and Human Services Office for Civil
Rights,

Defendants.

Civil No.: 1:23-cv-00130

**ORDER GRANTING UNOPPOSED MOTION
TO STAY DISTRICT COURT PROCEEDINGS**

[¶1] THIS MATTER comes before the Court on an Unopposed Motion to Stay District Court Proceedings filed by the Plaintiff, Mayo Pharmacy, Inc., (“Mayo Pharmacy”) on July 21, 2023. Doc. No. 46. Mayo Pharmacy requests this case be stayed pending the outcome in the original case of State of Texas v. United States Department of Health and Human Services, et al., No. 7:23-cv-022-DC (W.D. Tex.), including any appeal taken in that matter. Id. The Texas Court ordered Mayo Pharmacy’s Religious Freedom Restoration Act (“RFRA”) claims be transferred to the District of North Dakota on July 12, 2023. Doc. No. 44. Mayo Pharmacy brought its RFRA claims against the Defendants relating to the “guidance” that requires pharmacies to provide abortion-inducing drugs as a prerequisite to receiving federal funding. See Doc. No. 14, p. 1. Mayo Pharmacy requests this Court stay the proceeding until the Texas matter is resolved because the resolution Mayo Pharmacy the claims in the Texas case may impact the RFRA claims here. Doc. No. 46-1,

p. 3. In short, Mayo Pharmacy argues a stay will conserve judicial resources. Id. The Defendants do not oppose the Motion. Doc. No. 46, p. 1.

[¶2] The Court has reviewed the record and agrees a stay is appropriate under the circumstances because it will conserve judicial resources and ensure any expended resources are used with efficiency. See Johnson v. N. Dakota Guar. & Title Co., No. 1:17-cv-120, 2018 WL 6706672, at *2 (D.N.D. March 5, 2018) (“A district court has broad discretion to stay proceedings when appropriate to control its docket, conserve judicial resources, and ensure the matter is handled with economy of time and effort for itself, counsel and litigants.”).

[¶3] Accordingly, Mayo Pharmacy’s Unopposed Motion for Stay of District Court Proceedings is **GRANTED**. This matter is **STAYED** pending the outcome, including appeals, in the Texas case. The Parties are further **ORDERED** to file a status report to this Court every ninety (90) days from the date of this Order until the Texas matter is resolved.

[¶4] **IT IS SO ORDERED.**

DATED July 24, 2023.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court